



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

December 12, 2017

By ECF

Hon. Analisa Torres
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 720
New York, New York 10007-1312

Re: United States v. Cantu, Case No. 13 Civ. 8803 (AT)

Dear Judge Torres:

This Office represents the United States, plaintiff in the above action against Pablo Villarreal Cantu, a Mexican national, and several corporations directly or indirectly owned by him. Pursuant to the Court's order dated December 1, 2017, I write respectfully to update the Court on the status of the Government's efforts to effect service of the complaint and to request that the case remain on the Court's suspended case docket.

As mentioned in our prior letters to the Court, Mr. Cantu defrauded the Government of several hundred million dollars by executing fictitious export sales of domestic agricultural products which were financed under a United States Department of Agriculture export program. In March 2010, Mr. Cantu was indicted in the Southern District of Texas. He fled the United States to Mexico and remains a fugitive from justice. The United States Attorney's Office in the Southern District of Texas is seeking his extradition to face criminal charges.

In December 2013, this Office commenced the present civil action seeking to recover \$260 million defrauded from the United States. Because Mr. Cantu is a fugitive from justice, we have been unable to serve the complaint. The Court has granted our requests to toll the date by which we are required to effect service until Mr. Cantu's challenges to extradition are resolved.

For over a year, from April 2013 to April 2014, Mr. Cantu challenged the legality of the issuance of the arrest warrant. In 2014, as the Government's efforts to extradite Mr. Cantu neared a successful conclusion, Mexican officials lost track of Mr. Cantu and had no information concerning his whereabouts. In 2015, Mr. Cantu was apprehended and again placed into the custody of Mexican government officials. Shortly thereafter, the Government, through the U.S. Office of International Affairs, Criminal Division, issued a new request to arrest and extradite Mr. Cantu. Based on this request, Mexican officials issued an arrest warrant for Mr. Cantu, pursuant to which he remains in custody.

The Government placed the Cantu extradition request into a special procedure the Mexican Attorney General's Office is using to expedite some of the thousands of pending requests made by the United States. This process includes monthly meetings between Department of Justice attaches in Mexico City and officials of the Mexican Attorney General's Office during which the officials attempt to address potential impediments to extradition and discuss changes in the status of pending legal challenges to extradition. The status of the Government's request to extradite Mr. Villarreal was one of the matters discussed during the April 2015, September 2015, and July 2016 meetings. As before, Mr. Cantu is challenging extradition on appeal, claiming that issuance of the arrest warrant by Mexican officials was illegal. On November 3, 2016, the Government was informed that the Mexican Court of Appeals denied Mr. Cantu's challenge and granted the Government's extradition request.

Since the Government's last status update of December 1, 2016, the Government continues to make progress in securing Mr. Cantu's extradition. Mr. Cantu has twice appealed the Mexican Court of Appeals decision noted above. The first appeal was denied; the second appeal is pending. We believe that this appeal will be resolved in the next six to twelve months.

The Government proposes submitting a status letter advising the Court when Mr. Cantu is extradited to the United States or, in any event, by December 12, 2018.

I thank the Court for its consideration of this request.

Respectfully,

JOON H. KIM
Acting United States Attorney for the
Southern District of New York

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